

USEPA/OECA/OC
State and Tribal Assistance Grant (STAG) 2000-2001
Connecticut: Developing Statistically Valid Non-Compliance Rates
Quarter 2, FY2003 Report
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**Quarterly Reporting Form for EPA's
Enforcement and Compliance Assurance Grants**

Reporting Period: Year: FY 2003

- ☐ Oct-Dec (due last working day Jan)
☒ Jan-Mar (due last working day Apr)
☐ Apr-Jun (due last working day Jul)
☐ Jul-Sep (due last working day Oct)

I. Information

State and Department: **Connecticut Department of Environmental Protection**
Title of Project: **Developing Performance Based Measures**
Grant Contact Person: **Paul T. Balavender, Director**
Office of Enforcement Policy and Coordination
Department of Environmental Protection
79 Elm Street, 6th Floor
Hartford, CT 06106-5127
Phone:(860)424-3049 fax:(860)424-3886
paul.balavender@po.state.ct.us

Funds Received by State (Date and amount): **October 2001, \$75,000**
EPA Regional Project Officer: **Art Horowitz** (headquarters)
Author of report: **Susan Zampaglione**

II. Status of Project Milestones

Each milestone for the entire project should be entered into this table at the beginning of the grant period and should appear in every quarterly report (unless it is dropped from the project). With each quarterly report fill in dates or add milestones as appropriate. If dates or milestones are adjusted in subsequent reports, please indicate this in the comment field or in text below the table.

Project Milestones and/or comments	Anticipated Completion Date	Completion Date
Agency-wide Environmental Problem Solving Training	October 2003	
Compliance Rate Analysis	October 2003	
EPS Pilot Implementation:	October 2003	
<i>Auto Recycling Industry</i>		
<i>Completion and distribution of questionnaire to</i>		<i>January 2003</i>

<i>gather baseline data for performance measurement</i>		
<i>Compile data from questionnaire response</i>	<i>April 2003</i>	
<i>Develop and distribute compliance assistance tools</i>	<i>August 2003</i>	
<i>Evaluation of compliance assistance efforts</i>		
<i>Identify facilities remaining in non-compliance for enforcement targeting</i>		
<i>Industrial Stormwater General Permit</i>		
<i>Send information request letters</i>		<i>October 2002</i>
<i>Identify non-compliant facilities</i>		<i>December 2002</i>
<i>Enforcement follow-up as appropriate</i>	<i>June 2003</i>	
<i>Delivery of compliance assistance to selected facilities</i>	<i>October 2003</i>	
Outcome based measure identification, development and results reporting	October 2003	

III. Project Status

On June 17 and 18, 2002, the Connecticut Department of Environmental Protection hosted training on building problem solving and outcome-based performance measurement capacity. The training featured Dr. Malcolm Sparrow of Harvard University and David Herbster, Florida DEP's Statewide Problem Solving Coordinator. The training was attended by over 50 staff, primarily managers and supervisors. (See attached attendance sheets) Copies of Florida's Problem Solving Guide and excerpts from Dr. Sparrow's book, *The Regulatory Craft* were distributed to staff for required reading prior to the training session.

The topics discussed by Dr. Sparrow on the first day of the training included the problem solving infrastructure, protocols and methodologies and obstacles to applying problem solving. During the afternoon session staff were divided into groups and potential areas of environmental concern were nominated for application of the problem solving approach.

David Herbster presented on the second day an account of Florida DEP's experience with problem solving. He discussed how Florida developed problem solving capacity and gave examples of both successful and failed problem solving projects undertaken by Florida DEP.

The afternoon session consisted of smaller group focused discussions of topics requested by staff. This gave staff the opportunity to discuss a specific problem and get the benefit of Mr. Herbster's experience in applying the problem solving approach. Application of the problem solving approach was discussed for the following areas of environmental concern:

- Multi-media compliance issues at junkyards;
- stormwater runoff and erosion at construction sites particularly municipal construction sites;
- UST 1998 deadline compliance and new tank operational compliance;
- PCB transformers in abandoned mills; and
- Applying problem solving to preventive programs such as RCRA

The Department anticipates conducting additional training to develop capacity to apply problem solving approaches to various agency initiatives. However, to help address the state's budget crisis, the Governor issued a directive restricting entry into all contracts for consulting, training or conferences. As a result of this directive, the Department has been slowed in its ability to schedule additional problem solving training. *The Department anticipates the need for an extension to the project completion date. Such request will be forthcoming before October 2003.*

IV. Results/Outcomes:

Nonetheless, the Department is moving forward on applying the problem solving approach to Auto Salvage Operations in the state. The Department has collected baseline data for use as performance measures and is in the process of developing a questionnaire to be mailed to all known ASOs in the state to collect additional data. In addition, the Department is developing a compliance guide for ASOs that will include a template for a model Stormwater Pollution Prevention Plan. The Department will be seeking input from members of the Automobile Recyclers Association on the development of the guide to assure it meets the information needs of ASOs. The Department has mapped all known ASOs in the state for inclusion as a layer in the Department's online mapping system to enable staff to determine the proximity of ASOs to environmentally sensitive areas. The Office of Pollution Prevention coordinated the development of an inspection checklist for use by Department of Motor Vehicle Inspectors to identify areas of non-compliance at ASOs and conducted a training session for DMV inspectors on how to recognize violations.

The questionnaire was finalized and mailed in January 2003 to all known ASOs in the state. The questionnaire responses were due by the end of February. *The questionnaire was developed using only state resources. None of the grant money was used for the development or distribution of the questionnaire. The Department received 50 responses to the questionnaire out of the 148 that were mailed (15 were returned as undeliverable).*

Staff of the Department attended the February Automobile Recyclers Association meeting to discuss the ongoing compliance initiative. In addition, Department staff visited a yard to observe the operation of a mobile crusher for the purposes of determining what further measures can be taken to prevent pollution from crushing operations.

Problem solving training has also had the result of focusing stormwater assistance and enforcement resources on some of the State's most egregious non-compliers. The Department is focusing on two areas of stormwater non-compliance: facilities that have not performed required stormwater monitoring in the last five years and those that have performed the required monitoring, but have exceeded performance goals in the industrial stormwater general permit.

In October 2002, the Department issued information request letters to the facilities that had failed to perform the required stormwater monitoring. After evaluating the responses, the Department identified over a dozen facilities that had failed to perform the required monitoring in at least two of the prior five monitoring years. In addition, the Department has identified approximately fifteen facilities that have substantially exceeded the stormwater discharge goals set forth in the industrial stormwater general permit. The Department will be offering

compliance assistance to these facilities to help identify potential sources of stormwater pollution, evaluate the adequacy of existing stormwater management practices, and determine whether improvements may be gained through site modifications.

The Department has offered non-negotiable consent orders to twelve facilities. All twelve facilities were cited for failure to perform annual stormwater monitoring and six were cited for failure to develop/implement a Stormwater Pollution Prevention Plan. The penalties range from \$5,000 to \$27,000 and include both gravity and economic benefit components. Four consent orders have been signed and returned by the facilities.

Compliance Rate Analysis

The Department has selected the Underground Storage Tank ("UST") program to pilot the collection of data for a more refined compliance rate analysis. Revisions have been made to the current UST inspection checklist that will enable the inspector to collect meaningful compliance related data. The additional data to be collected includes: the reason for the inspection (routine, complaint driven, new regulation/deadline, etc.), site ownership (large corporation with multiple facilities, sole proprietorship, etc.), number and size of tanks on site and volume of material in tanks.

The Department has provided the revised UST inspection checklist to the Environmental Compliance Consortium ("ECC") for review and comment. Their comments will be incorporated into the checklist.

The Department's ability to fully engage in compliance rate analysis and to continue problem solving training and development has been severely limited this year by ongoing staffing and budget limitations (see reference to Governor's directive on page 3). As able, the Department will implement the planned compliance rate pilot with the UST program and resume problem solving training. A request for an extension of time to complete grant related activities will be forthcoming.